

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DASHON HINES,

Petitioner,

-v.-

9:02-CV-0057  
(GLS)(RFT)

VICTOR T. HERBERT, Superintendent,

Respondent.  
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**APPEARANCES:**

**OF COUNSEL:**

DASHON HINES  
Petitioner, *pro se*  
00-B-1421  
Attica Correctional Facility  
Box 149, Exchange Street  
Attica, NY 14011

HON. ELIOT SPITZER  
Office of the Attorney General  
State of New York  
615 Erie Boulevard West  
Suite 102  
Syracuse, NY 13204

PATRICK F. MACRAE, ESQ.

GARY L. SHARPE, U.S. DISTRICT JUDGE

**ORDER**

On January 16, 2002, petitioner Dashon Hines ("petitioner" or "Hines") filed his petition for a writ of habeas corpus with this Court. Docket No. 1. A response to the petition was filed by the respondent on June 25, 2002. Docket No. 16. On May 31, 2005 petitioner filed a notice of voluntary dismissal. (Docket No. 65). Hines requests that his petition be withdrawn, and states that "I understand that a dismissal will not include a determination of the merits of my habeas petition and that I am time-barred from seeking judicial relief in another action." Docket No. 65, page 2. The respondent

filed a letter response joining the request. Docket No. 66.

Accordingly, petitioner's motion for voluntary dismissal of this action is granted.

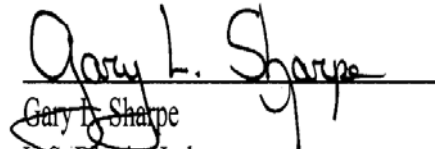
WHEREFORE, it is hereby

ORDERED, that petitioner's requests to dismiss this action (Docket No. 65) is granted, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties by regular mail.

IT IS SO ORDERED.

Dated: June 30, 2005  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge